IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 18733 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SHEKHAR RANJAN GHOSHAL - Petitioner(s)
Versus
THE STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR KIRIT R PATEL for Petitioner(s) : 1,MR LALIT V PATEL for Petitioner(s) : 1,
MR KRUNAL PANDYA A.G.P. for Respondent(s) : 1,
MR DHAVAL G NANAVATI for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 10/08/2007

ORAL JUDGMENT

1. RULE. Mr. Krunal Pandya learned A.G.P., waives service of rule on behalf of respondent no. 1 and learned advocate Mr. Dhaval Nanavati waives service of rule on

behalf of respondent no. 2. At the request of the parties, the matter is taken up for final hearing today itself.

2. The petitioner has approached this Court to obtain appropriate direction on the respondents and in particular respondent no. 2 to effect the necessary change with regard to the birth date of the son of the petitioner. It is the say of the petitioner that Shubhayan Shekhar Ghoshal who is his son was born on 30th November, 1993. However, through mistake his birth has been recorded as 9th April, 1993 in the birth registered as well as in the birth certificate. He, therefore, went to the respondent authorities with a prayer to make necessary correction. However, he was informed that the respondents have no power to carry out the correction one year after the birth of the petitioner. Hence, this petition.

3. I have heard Mr. Kirit R. Patel learned advocate for the petitioner, Mr. Krunal Pandya learned A.G.P., for respondent no. 1 and Mr. Dhaval Nanavati learned advocate for respondent no. 2. It is submitted by Mr. Patel that in view of Section 15 of the Births & Deaths Registration Act, 1969 [hereinafter referred to as the “Act] as well

as Rule 11 of the Gujarat Registration of Births and Deaths Rules, 2004 [hereinafter referred to as the "Rules"], the respondent authorities have power to effect the correction in the birth record. In support of his submission, he placed reliance on the decision rendered by this Court in the case of Jagdishbhai Prabhubhai Patel v. State of Gujarat in Special Civil Application No. 18273/2007 dated 24th July, 2007. Mr. Pandya has not seriously controverted this position. I have perused the said judgment. It completely supports the submission of Mr. Patel. It is held in the said decision by this Court that in view of Section 15 of the Act and Rule 11 of the Rules, the respondent authorities have power to carry out necessary correction. Hence, the following direction.

3.1. Respondent no. 2 is directed to make relevant change, if found necessary and proper, after due scrutiny of the material that may be produced by the petitioner in support of his claim.

4. The petition is, therefore, allowed. Rule is made absolute with no order as to costs.

[Akshay H. Mehta, J.]

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